

Writs for the production of state adult Inmates and juveniles

Directive #1-04
(supersedes #6-00)
Issued by:

March 9, 2004
Richard J. Williams
Administrative Director

This Directive supersedes Directive #6-00, "Writs for Production of State Inmates," (dated October 2, 2000). Set forth herein are procedures to govern the standard writ process used for the production of state inmates housed in state correctional facilities, juveniles under the care of the Juvenile Justice Commission, and civilly committed sexually violent predators. In addition to the procedures permitted under the prior directive, included herein also are the procedures for issuing automated writs for Criminal and Family court appearances.

This Directive and the procedures set forth herein become effective immediately. As with the prior directive, use of these writs does not apply to state inmates housed in county jails.

I. Procedure to Issue a Standard Written Writ with an Original Signature.

A. When issuing a standardized writ for a state inmate or a civilly committed sexually violent predator to be produced at a Civil and Municipal Court appearance, the writ must bear an original signature and be sent to:

Assistant Commissioner
Division of Operations
c/o Central Transportation
New Jersey Department of Corrections
P.O. Box 863, Stokes Building, Room 108
Trenton, New Jersey 08625

B. When issuing a standardized writ for a juvenile to be produced at a Criminal, Family, Civil or Municipal Court appearance, the writ must bear an original signature and be sent to the appropriate institution:

New Jersey Training School
P.O. Box 500
Jamesburg, N.J. 08331
(732) 521-0030

or

Juvenile Medium Security Facility
P.O. Box 307
Bordentown, N.J. 08505
(609) 298-8222

II. Standardized Written Writ Requirements

Standardized writs must be received by the Department of Corrections and juvenile facilities no later than 48 business hours prior to the scheduled transportation date for the court event.

As a general rule, faxed writs are not acceptable because of security considerations. In extraordinary situations, emergent writs for inmates or juveniles may be arranged by the court with the Department of Corrections Central Transportation Unit or Juvenile Justice Commission Central Intake Unit. An emergent request requires verbal confirmation from the respective unit identified above. Without the confirmation, the writ may not be received in sufficient time for processing.

Please take steps to ensure that an exact copy of the attached form of writ is used. The Department of Corrections and Juvenile Justice Commission will not accept writs that deviate from the language of the standardized form. They will however allow computer-generated versions of the writ under the following circumstances:

1. A sample of the exact form of your computer-generated version is on file at the Department of Corrections Central Transportation Unit and/or Juvenile Justice Commission Central Intake Unit; and
2. The language and information contained in your computer-generated version are exactly the same as in the standardized writ.

III. Procedure to Issue an Automated Writ

The automated writ is to be used to produce an adult state inmate or civilly committed sexually violent predator for a Criminal or Family Court appearance. Use of this writ does not apply to state inmates housed in county jails.

By order of the Supreme Court dated April 30, 2002 (copy attached), the Superior Court is permitted to issue and transmit to the Department of Corrections electronic Orders to Produce. The orders or writs are permitted to contain an electronically affixed signature of the Superior Court judge, rather than an original signature. This automated procedure provides an electronic alternative to the process where the standardized writ form bearing an original signature is mailed to the Department of Corrections Central Transportation Unit. Pursuant to the Court's April 30, 2002 order, the electronic process carries the same authority as a manually prepared writ with the judge's signature.

Use of the automated writ is currently only available to the Criminal and Family Divisions. Manually prepared writs for inmates will no longer be accepted from those

Divisions using the automated writ. The automated writ will be sent electronically through the computer network to Central Transportation at the Department of Corrections. Each week judiciary supervisory personnel in Divisions utilizing the automated writ will review an on-line list of writs requested to ensure accuracy and proper authorization.

Electronic writs must be received by the Department of Corrections no later than 48 business hours prior to the scheduled transportation date for the court event. In extraordinary situations, emergent writs for inmates may be arranged by the court with the Department of Corrections Central Transportation Unit. Emergent writs require verbal confirmation from Central Transportation. Without confirmation, writs may not be received in sufficient time for processing.

Cancellation of writs will be accepted on-line as long as the cancellation occurs at least three business days prior to the scheduled appearance date. If a cancellation is made less than three days prior to the appearance date, both a confirming phone call to the Department of Corrections and cancellation via the on-line screen are required.

When an inmate is produced for a court event as a result of an automated writ, the judge must sign the copy presented at the court hearing. This signature at the bottom of the writ authorizes the remand or release of the defendant following the hearing. In addition, the results of the hearing must be noted on the writ or attached to the copy of the writ returned with the inmate to the Department of Corrections.

Any questions regarding this Directive or the procedure set forth herein should be directed to the AOC's Criminal Practice Division at (609) 292-3593.

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R.J.W.

/jjw
Attachments

cc.: Chief Justice Deborah T. Poritz
Commissioner Devon Brown, Dept. of Corrections
Howard Beyer, Director, Juvenile Justice Commission
Civil Presiding Judges
Criminal Presiding Judges
Family Presiding Judges
Municipal Presiding Judges
Theodore J. Fetter, Deputy Admin. Dir.
John P. McCarthy, Jr., Director
Joseph J. Barraco, Assistant Director
Harry T. Cassidy, Assistant Director
Jane F. Castner, Assistant Director
Robert W. Smith, Assistant Director
Trial Court Administrators
Civil Division Managers
Criminal Division Managers
Family Division Managers
Municipal Division Managers
James Mannion, Chief
John J. Wieck, Chief
Mary Ann Byrne, Asst. Chief
Francis W. Hoeber, Special Asst.
Steven D. Bonville, Special Asst.

Superior Court of New Jersey

Order to Produce

COUNTY OF _____	DIVISION <input type="checkbox"/> Criminal <input type="checkbox"/> Family <input type="checkbox"/> Probation <input type="checkbox"/> Municipal <input type="checkbox"/> Civil	IND. NO.
		ACC. NO.
STATE OF NEW JERSEY VS _____ DEFENDANT _____ a/k/a TO: You are hereby commanded to produce the body of _____ now confined in the _____, New Jersey, under your custody, before the Honorable _____, Judge of the _____ (Superior or Municipal) Court in and for the <input type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> County of _____, at _____, New Jersey on (Day) _____, the _____ of _____, 19 ____ at _____ (A.M./P.M.) o'clock. <input type="checkbox"/> This is a confirming order that has been preceded by an authorized <input type="checkbox"/> e-mail or <input type="checkbox"/> fax transmittal sent on _____, 19 ____ by _____.		PROS. NO.
		COMP. NO.
		PURPOSE
		S.B.I.
		D.O.B.
		S.S.#
		RACE
INST.#		

Comments:

J.S.C.

Requested by: _____ Telephone Number: _____

WARRANT OF REMAND or RELEASE AFTER HEARING

It is on this _____ day of _____, 19 ____ ORDERED as follows:

To be produced before the court on _____, 19 __ at ___ AM / PM.

Remanded to _____

Sentence, or additional sentence disposition of the court:

J.S.C.

SUPREME COURT OF NEW JERSEY

It is ORDERED, pursuant to N.J. Const. Art. VI, sec. 2 par. 3, that effective immediately and until further order the provisions of Rule 3:1-4 of the Rules Governing the Courts of the State of New Jersey are supplemented and relaxed so as to permit the Superior Court to issue and transmit to the Department of Corrections electronic Orders to Produce inmates for court proceedings with those orders or writs containing an electronically affixed signature of a Superior Court judge rather than an original signature and having the same authority as such orders to produce containing a judge's original signature.

For the Court,

/s/ Deborah T. Poritz

Chief Justice

Dated: April 30, 2002